

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
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March 30, 2021

**BY EMAIL & ECF**

Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

**Re: United States v. Haji Najibullah  
14 Cr. 401 (KPF)**

Dear Judge Failla:

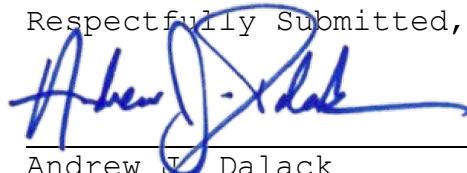
We write with respect to the Court's Notice dated February 19, 2021 regarding a status conference in the above-captioned case currently scheduled for April 16, 2021 at 9:00 a.m.

The Court's Notice directed the defense to advise the Court by March 26, 2021 as to whether Mr. Najibullah prefers an in-person or remote proceeding. The defense apologizes for failing to adhere to the Court's deadline. Mr. Najibullah prefers to appear in person for all proceedings at which his appearance is required under Fed. R. Crim. P. 43(a), including the upcoming status conference.

With respect to the date of the upcoming conference, the defense respectfully requests a brief adjournment, from April 16 to the week of April 26, 2021. At the risk of providing too fulsome an explanation, both undersigned counsel will be on trial starting April 14, 2021 before the Honorable Jed S. Rakoff in case number 19 Cr. 354 (JSR). It was the original plan for Mr. Gombiner to appear on April 16, 2021 alongside Mr. Najibullah while Mr. Dalack was on trial. However, on March 19, 2021, on the eve of a Wade hearing, Mr. Gombiner joined Mr. Dalack as counsel in 19 Cr. 354 (JSR). In our collective haste, undersigned counsel did not immediately appreciate that this created a conflict for both of us with April 16, 2021, and we apologize to the Court for not having realized it sooner.

The government does not object to the defense's request for a brief adjournment of the status conference, and the defense consents to the exclusion of this additional period of delay from Speedy Trial Act calculations under 18 U.S.C. § 3161(h) (7) (A) .

Respectfully Submitted,



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Andrew J. Dalack  
Mark B. Gombiner  
Assistant Federal Defenders  
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Cc: Government Counsel

Application GRANTED. The conference scheduled for April 16, 2021, is hereby ADJOURNED to May 6, 2021, at 11:00 a.m. The conference will be held in Courtroom 618 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York 10007. It is further ORDERED that time is excluded under the Speedy Trial Act between April 16, 2021, and May 6, 2021. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and the defendant in a speedy trial because it will permit defense counsel to prepare for and appear on behalf of the defendant at the upcoming pretrial conference.

Dated: March 30, 2021  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE